



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Philip A. Shafer	Confirmation No.	9813
Serial No.:	09/871,458	Customer No.:	28863
Filed:	May 31, 2001	Examiner:	Khanh Q. Dinh
		Group Art Unit:	2151
		Docket No.:	1014-007US01/JNP-0052
Title:	NETWORK ROUTER MANAGEMENT INTERFACE WITH API INVOKED VIA LOGIN STREAM		

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on September 20, 2005.

By: Angela Watson
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests a Pre-Appeal Brief Request for Review, based upon the Examiner's failure to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. As outlined in below, the applied references fail to disclose one or more claimed elements recited in Applicant's independent claims. For this reason, the obviousness rejections under 35 U.S.C. § 103 are improper and must be reversed.

For simplicity and brevity, Applicant has primarily focused the arguments below on pending independent claim 1. Similar arguments apply to all pending independent claims. By setting forth the clear grounds of error, Applicant does not assert that these are the only errors that the Examiner has made, nor does Applicant waive any arguments that may be asserted in an Appeal Brief.

Independent claim 1 recites a method comprising establishing a secure connection between a network router and a client, initiating a command line interface (CLI) process on the

network router, receiving from the client a CLI command, and in response to the CLI command, accepting commands encoded in accordance with an extensible markup language.

Thus, claim 1 specifically requires a unique CLI command that enables the network router to subsequently accept encoded extensible markup language (XML) commands. In other words, according the method of claim 1, receipt of the unique CLI command enables a network accepts to accept XML-based commands. Neither Ozzie nor Rosenthal suggests these features.

The present application, for example, describes how an administrator may enter the “xml-mode” command as text via a command line interface of a router to prepare the router to subsequently receive XML-encoded commands. In this manner, the administrator may dynamically switch the router from a CLI mode to a mode that receives XML-encoded commands, possibly for automated configuration of the router.

In the Final Office Action, the Examiner rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Ozzie et al. (USPN 6,640,241) in view of Rosenthal (USPN 5,964,844). Applicant respectfully submits that this rejection is erroneous. The applied references (either alone or in combination) fail to disclose or suggest the features of claim 1. Since neither Ozzie nor Rosenthal teaches or suggests certain features of claim 1, a *prima facie* case of obviousness has not been established.¹

The Examiner’s position can best be understood by review of the Advisory Action mailed August 20, 2005. In that Advisory Action, the Examiner summarizes his argument as: (1) Ozzie describes the use of XML to manage activities of a network device and describes the use of templates and documents incorporating XML, (2) Ozzie does not disclose a command line interface, and (3) Rosenthal describes the use of a command line interface. The Examiner then concludes that a person with ordinary skill in the art would have implemented the CLI techniques of Rosenthal in the Ozzie system to arrive at the features recited in claim 1.

The error of the Examiner’s analysis should be clear on its face upon review. Neither Ozzie nor Rosenthal teach the reception of a command via a command line interface and, in response to the command, the acceptance of other commands encoded in accordance with XML.

¹ In order to support a *prima facie* case of obviousness, three basic criteria must be met. See MPEP 706.02(j). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

In other words, the references do not teach the reception of any type of command that, in turn, facilitates acceptance of other commands encoded in accordance with XML.

To elaborate further, according to the Examiner, Ozzie describes the use of XML to manage activities. The Examiner correctly recognized that Ozzie does not teach or suggest the reception of a command that facilitates acceptance of other commands encoded in accordance with XML, whatsoever. Rosenthal merely describes a command line interface generally, and fails to make any reference to encoded commands. Thus, if the Ozzie system were to be modified to include a command line interface, based on the Examiner's argument, the resultant system would have a command line interface and use XML for the purpose of managing activities. Regardless, one would not achieve a system in which a command received by a command line interface (e.g., an "XML-mode" command) enables a router to subsequently receive encoded commands. There is no teaching or suggestion in Ozzie or Rosenthal, either separately or in combination, that the command line interface would have any relationship whatsoever to the use of XML by the device. Ozzie in view of Rosenthal clearly fail to teach the creation and use of a new CLI command that, when received via a command line interface, enables a router to subsequently receive encoded commands in response to the CLI command.

While the Examiner is correct that the documents and tables in the Ozzie system may have internal XML tags, this observation fails to address the requirements of Applicant's claims that require receiving a command and then, in response to the command, accepting encoded XML commands. The Examiner has failed to point to any portion of Ozzie (or Rosenthal) that describes any command (much less a CLI command) that results in acceptance of subsequent encoded XML commands. Instead, the portion of Ozzie relied upon by the Examiner merely describes a framework by which a peer-to-peer network uses XML tags within documents or tables. Thus, the Examiner's statement that Ozzie discloses "in response to [a] command, accepting commands encoded in accordance with an extensible markup language (using XML in processing requests)" is incorrect. Put another way, the mere use of XML in processing requests is not suggestive of a command that causes acceptance of XML commands, much less a CLI command that causes acceptance of XML commands.

teachings. Id. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Rosenthal describes a machine vision system that is totally unrelated to network router management. The portion of Rosenthal relied upon by the Examiner describes a vision processor capable of receiving text commands via a CLI. Like Ozzie, however, Rosenthal fails to teach or suggest accepting commands that are encoded in accordance with XML. Further, like Ozzie, Rosenthal fails to teach or suggest receiving a CLI command and then, in response to the command, accepting other commands encoded in accordance with XML. In fact, Rosenthal appears to add nothing to the Examiner's analysis other than the proposition that command line interfaces (CLIs) are known. Neither Ozzie nor Rosenthal (either alone or in combination) teaches or suggests receiving from a client a CLI command and, in response to the CLI command, accepting commands encoded in accordance with XML.

As best as Applicant can discern, the Ozzie reference and Rosenthal reference are both totally unrelated to the features of Applicant's claims. Ozzie may describe XML tags for documents sent over a network, and Rosenthal may show that CLIs were known at the time of Applicant's invention. However, nothing in either of these references discloses or suggests a method comprising establishing a secure connection between a network router and a client, initiating a CLI process on the network router, receiving from the client a CLI command, and in response to the CLI command, accepting commands encoded in accordance with an extensible markup language, as recited in claim 1.

In summary, Applicant has identified at least four reasons why the Examiner's rejections must be reversed. First, as described in detail above, neither Ozzie nor Rosenthal teach the reception of a command, and in response to the command, the acceptance of other commands encoded in accordance with an extensible markup language (XML). Second, neither Ozzie nor Rosenthal is concerned with establishing a secure connection between a network router and a client, as recited in claim 1. Third, neither Ozzie nor Rosenthal suggest the initiation of a CLI process on a network router. Fourth, neither Ozzie nor Rosenthal teach the reception of a CLI command that facilitates the acceptance of XML commands. For each of these reasons, the Examiner has failed to establish a *prima facie* case of obviousness of Applicant's claims.

The arguments above with respect to claim 1 apply to the other independent claims. Applicant requests a review and a panel decision that promptly resolves the issues in Applicant's favor and eliminates the need for an Appellate Brief. Applicant reserves further comment with

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respect to other elements of the independent claims or dependent claims, and also reserves further comment regarding whether the prior art provides motivation that would have led a person of ordinary skill in the art to combine the teaching of Rosenthal into the system of Ozzie. For at least the reasons set forth above, all rejections must be reversed.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778.

Date:

By:

September 20, 2005
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